

# No. 23-13292-G

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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**UNITED STATES OF AMERICA,**

*Respondent/appellee,*

**v.**

**MINAL PATEL,**

*Movant/appellant.*

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**On Appeal from the United States District Court  
for the Southern District of Florida**

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**APPELLANT'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE INITIAL BRIEF**

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**RICHARD C. KLUGH, ESQ.  
Counsel for Appellant  
40 N.W. 3rd Street, PH1  
Miami, Florida 33128  
Tel. No. (305) 536-1191**

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**CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT**

**United States v. Minal Patel, Case No. 23-13292-G**

Appellant, Minal Patel, files this Certificate of Interested Persons and Corporate Disclosure Statement, listing the parties and entities interested in this appeal, as required by 11th Cir. R. 26.1.

Aetna, Inc., a subsidiary of CVS Health Corporation (CVS)

Argentieri, Nicole M.

Bentley III, A. Lee

Besen, Gene R.

Brown, Richard O. I.

Calderon, Marx

Centene Corporation (CNC)

Centers for Medicare and Medicaid Services

Cuyler Jr., Reginald

CVS Health Corporation (CVS)

Dinnen, Michael W.

Duffy, Jerrob

Dwyer, Jared Edward

Furtado, Kathryn C.

Griner, Shawn

United States vs. Minal Patel, Case No. 23-13292-G  
Certificate of Interested Persons (Cont'd)

Goodman, Hon. Jonathan, U.S. Magistrate Judge

Gurskis, Emily

Hayes, James V.

Herbert, Brendan I.

Hirsch, Brett

Humana, Inc. (HUM)

Keown, Lindy Kathryn

Klco, Sara Michele

Klugh, Richard C.

Kosmidis, John

Laserna, Peter A.

Loper, Timothy P.

Lytle, Christopher

Matthewman, Hon. William, U.S. Magistrate Judge

McKeon, Christina

Michaels, Steven S.

Miller, Lisa H.

Orr, Gregory

United States vs. Minal Patel, Case No. 23-13292-G  
Certificate of Interested Persons (Cont'd)

Queenan, Patrick J.

Raines, Lauren Goldberg

Ramamurthy, Senthil

Raphael, Kevin E.

Reinhart, Hon. Bruce E., U.S. Magistrate Judge

Rookard, Katherine

Salnick, Michael

Sanders, Jeremy R.

Scanlon, John

Speights, Ric

Sporn, Marc

Sztyndor, Robyn Lynn

United HealthCare Services, Inc., a subsidiary of UnitedHealth Group (UNH)

UnitedHealth Group (UNH)

WellCare Health Plans, Inc., a subsidiary of Centene Corporation (CNC)

Zimet, Bruce Alan

Ziros, Athanasios

**APPELLANT’S UNOPPOSED MOTION TO EXTEND  
TIME TO FILE APPELLANT’S INITIAL BRIEF**

Appellant, Minal Patel, through undersigned counsel, respectfully requests that the Court grant an extension of time of 30 days to file his initial brief.

1. This is an appeal from the defendant’s conviction and 27-year sentence following a jury trial on charges of Medicare fraud, money laundering, and false statements arising from an extensive federal investigation of health care and wire fraud in the provision of, and insurance billing for, genetic testing for cancer risks. Appellant’s initial brief is due on September 30, 2024. Prior unopposed extensions of time have been granted in light of the extraordinarily extensive record in this case. As to the undersigned, this is a cold record appeal. The defendant is incarcerated.

2. The record in this appeal is unusually voluminous and complex. The charges include fraud, conspiracy, kickbacks, and money laundering, with the sums allegedly involved exceeding \$450 million. The district court imposed forfeiture in the amount of \$187,369,693, in addition to a restitution judgment in the same amount. There are more than 2,000 government trial exhibits, with many consisting of extensive compilations of documentary and medical records. There are more than 3,000 pages of transcripts of district court proceedings and more than 580 docketed filings. The case involves complex medical and scientific issues on genetic testing and first impression issues arising from the charged genetic testing fraud.<sup>1</sup>

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<sup>1</sup> The testing included cancer genomic (CGx) testing, using DNA sequencing to detect genetic mutations that may indicate a higher risk of developing certain types of cancers, and pharmacogenetic (PGx) testing, using DNA sequencing to assess how the body’s genetic makeup would affect the response to certain medications.

3. This extension of time is sought based, in part, on a notice provided to undersigned counsel three days ago by the government’s “filter team” in this matter, who have advised that a production of material that may relate to a central issue on appeal—conflicts of interest by trial counsel, including one attorney for the defendant who has subsequently been disbarred from practice in the district court—will be made to the undersigned within the next two to three weeks. This production, from the disbarred attorney who worked directly with the lead trial attorney, is likely to provide clarification as to the completeness of the record on appeal and the need for preparation or unsealing of additional transcripts. At a minimum, counsel seeks to review the filter team material before seeking to supplement the record on appeal on the conflict-of-interest issue. The extension of time will also assist in allowing appellate counsel additional time to review the extensive record, including substantial sealed portions of related proceedings as to which a motion to unseal is presently pending in a related matter that is anticipated to be resolved by October 7, 2024. Given the unusual procedural history of this case, and to ensure effective assistance of counsel on appeal, the requested extension of time is warranted.

4. In addition to the important case-specific factors, undersigned counsel faces conflicting schedule demands that warrant granting the extension request, including preparing for a multi-issue sentencing in *United States v. Polit*, S.D. Fla. No. 22-20114-cr-KMW (involving allegations of foreign bribery and money laundering), on October 1, 2024. Counsel must file a reply brief in this Court on September 27, 2024 (Case Nos. 22-13410, 22-14099, 23-10387 & 23-13177) and

must file initial briefs in this Court on September 30, 2024 (Case No. 23-10403) and October 3, 2024 (Case No. 24-12162), in addition to several other briefing deadlines and hearing dates over the next three weeks. Granting the extension of time will serve the interests of justice and judicial economy. The totality of the circumstances warrants granting the requested extension of time.

5. Counsel for the government, United States Department of Justice Attorney Jeremy Sanders, advises that the government does not oppose this motion.

WHEREFORE, appellant Minal Patel, respectfully moves to extend the time to file his initial brief by 30 days to October 30, 2024.

Respectfully submitted,

s/ Richard C. Klugh  
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### **CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion contains 675 words and complies with the typeface and type-style requirement of Fed. R. App. P. 32(a)(5) and (6) because it was prepared in a WordPerfect proportionally spaced Times New Roman 14-point font.

s/ Richard C. Klugh  
Richard C. Klugh, Esq.